

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Blattmann, Beat O. et al.)	Confirmation No.: 8676
Serial No.: 10/524,234)	Group Art Unit: 1652
Filed: August 11, 2003 (Int'l))	Examiner: Rebecca E. Prouty
For: MUTANT E. COLI APPA)	
PHYTASE ENZYMES AND)	
NATURAL VARIANTS THEREOF,)	
NUCLEIC ACIDS ENCODING)	
SUCH PHYTASE ENZYMES,)	
VECTORS AND HOST CELLS)	
INCORPORATING SAME AND)	
METHODS OF MAKING AND)	
USING SAME)	

INFORMATION DISCLOSURE STATEMENT

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed on June 11, 2009, Applicants re-submit herewith a corrected Form PTO-1449, as it appears that none of the references cited in the Information Disclosure Statement and Form PTO-1449 were considered by the Examiner.

This Information Disclosure Statement:

(a) ☐ accompanies the new patent application submitted herewith. 37 CFR §1.97(a).

(b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry into the national stage of a PCT application as set forth in 37 CFR §1.491.

(c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

(d) ☐ is filed after the first Office Action and more than three months after the application filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180.00) set forth in 37 CFR §1.17(p) **or** a certification as specified in 37 CFR §1.97(e), as checked below. Authorization to charge Deposit Account No. 07-1048 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement is provided in the Transmittal Letter submitted herewith in duplicate.

(e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by authorization (in the Transmittal Letter submitted herewith in duplicate) to charge Deposit Account No. 07-1048 the fee (\$180.00) set forth in 37 CFR §1.17(l)(1) **and** a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the Supplemental Information Disclosure Statement.**

(f) ☒ is filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 CFR § 1.97(e)(1) has been provided.

The undersigned certifies that:

☐ Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ No item of information contained in this Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

A copy of the items on Form PTO-1449 is not supplied: PCT International Search Report for PCT/US03/25058, filed August 11, 2003 and EP Supplementary European Search Report for EP 03 78 5159, filed August 11, 2003 with attached patents and publications.

☐ each ☐ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (*) on the attached Form PTO-1449 are not supplied because they were previously submitted to the Office August 26, 2008.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s)
- ☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention." MPEP §609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Dated: November 20, 2009

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven G. Bacs", written over a horizontal line.

Steven G. Bacs
Attorney for Applicants
Reg. No. 50,736